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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ALIVECOR, INC.

Plaintiff,

V.

APPLE INC.,

Defendant.

CASE NO. 4:21-CV-03958-JSW-SK

ORDER GRANTING

**STIPULATION REGARDING SUMMARY
JUDGMENT BRIEFING AND SEALING
AND EXPERT DISCOVERY DEADLINE**

The Honorable Jeffrey S. White

STIPULATION REGARDING SUMMARY JUDGMENT BRIEFING AND SEALING AND
EXPERT DISCOVERY DEADLINE
Case No. 4:21-CV-03958-JSW-SK

1 Plaintiff AliveCor, Inc. (“Plaintiff”) and Defendant Apple Inc. (“Apple”), through their
2 respective attorneys of record herein, hereby agree and stipulate as follows:

3 WHEREAS, the Court issued an Order Scheduling Trial and Pretrial Matters and Vacating
4 Case Management Conference on May 17, 2022, in which the Court set various deadlines in this
5 case, *see* Dkt. 58;

6 WHEREAS, the Court amended the deadlines set in the initial Order Scheduling Trial and
7 Pretrial Matters and Vacating Case Management Conference on October 18, 2022, *see* Dkt. 104;

8 WHEREAS, the parties have conferred and determined that in order to accommodate
9 scheduling for expert witness depositions, it would be beneficial to extend the deadline to
10 complete expert discovery from June 5, 2023 to June 22, 2023;

11 WHEREAS, the agreed-upon extension would not affect the Pretrial Conference, Jury
12 Selection, Trial Date, Deadline to File Dispositive Motions, or Last Day to Hear Dispositive
13 Motions;

14 WHEREAS, the parties are aware that the Court indicates in its standing order for civil
15 cases that it strongly prefers a four-brief schedule in cases where the parties cross-move for
16 summary judgment, *see* J. White Civil Standing Order at 8;

17 WHEREAS, the parties have conferred and determined that each intends to move for
18 summary judgment, and agreed to the below briefing schedule and page limits for a four-brief
19 summary judgment briefing schedule, consistent with the existing case deadlines and the Court’s
20 Standing Order for Civil Cases, listed below;

21 WHEREAS, the parties have conferred regarding a sealing procedure for summary
22 judgment briefing and associated exhibits and supporting materials, and determined that a
23 modified sealing procedure would be most efficient in preserving the parties’ confidential business
24 information without burdening the Court with serial sealing motions;

25 WHEREAS, the parties agree to file their summary judgment briefs and associated exhibits
26 and supporting materials under seal initially, and file a consolidated set of sealing materials—
27 including redacted briefs, exhibits, and supporting documents—after summary judgment briefing
28 is complete;

STIPULATION REGARDING SUMMARY JUDGMENT BRIEFING AND SEALING AND
EXPERT DISCOVERY DEADLINE
Case No. 4:21-CV-03958-JSW-SK

1 THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED by the parties and
2 their respective counsel, pursuant to Civil L. R. 6-2, that the deadlines and page limits specified
3 below shall apply:

Event	Date	Page Limit
Deadline to Exchange Response Expert Reports	May 22, 2023 (unchanged)	N/A
Close of Expert Discovery	June 22, 2023 (previously June 5, 2023)	N/A
AliveCor files Motion for Summary Judgment	June 29, 2023	20 Pages
Apple files Motion for Summary Judgment and Opposition to AliveCor's Motion	July 27, 2023	45 Pages
AliveCor files Reply and Opposition to Apple's Motion	August 24, 2023	45 Pages
Apple files Reply	September 21, 2023	20 Pages
The parties file consolidated sealing materials pursuant to LR 79-5 for all briefs and associated materials	October 12, 2023	N/A

1 **IT IS SO STIPULATED.**

2 DATE: April 27, 2023

QUINN EMANUEL URQUHART & SULLIVAN, LLP

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10 *Attorneys for Plaintiff AliveCor, Inc.*

11 DATE: April 27, 2023

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21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22 DATE: _____
23 April 28, 2023

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JEFFREY S. WHITE
United States District Judge